

Amendment under 37 C.F.R. § 1.111
U.S. Application No.: 10/653,249

REMARKS

Claims 1, 2, 4 and 9-15 have been examined. Claims 1, 2 and 11 have been rejected under 35 U.S.C. § 103(a) and claims 12-15 have been rejected under 35 U.S.C. § 103(a).

I. Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 873,784 to Reichardt (“Reichardt”) in view of EP 565454 to Pinvidic (“Pinvidic”)

Claims 1, 2 and 11 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reichardt in view of Pinvidic.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited references. For example, claim 1 recites, “wherein the operating portion is formed in a lever shape and is provided at an opposite side of the spool with respect to the fishing rod attaching portion, and a plate connected between the left and right side plates to partially form an upper surface of the reel body, such that a surface of the plate extends substantially parallel to the fishing rod attaching portion and is provided at the opposite side of the spool with respect to the fishing rod attaching portion, wherein the plate is respectively positioned between the operating member and a front end of the reel body, and wherein the operating portion is projected upward from the surface of the plate.”

As an initial matter, Applicant has amended claim 1 to recite that the operating portion is provided at an opposite side of the *spool* with respect to the *fishing rod attaching portion* (i.e., Applicant rearranged the previous recitation). Such amendment clarifies the actual placement of

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features shown in the elected embodiment of the present invention. This Amendment was discussed with the Examiner during the October 18, 2007, Interview between the undersigned and the Examiner.

Also, claim 1 recites, “a surface of the plate extends substantially parallel to the fishing rod attaching portion and is provided at the opposite side of the spool with respect to the fishing rod attaching portion...and wherein the operating portion is projected upward from the surface of the plate.”

Applicant submits that neither Reichardt nor Pinvidic disclose the above features of claim 1. For example, the alleged operating portion of Reichardt, i.e., portion 24, extends from a side surface of the reel body. Thus, any portion of reel body 5 (alleged to disclose plate) that is located where portion 24 extends, is not substantially parallel to the fishing rod attaching portion, nor is provided on an opposite side of the spool with respect to the fishing rod attaching portion. Similarly, in Pinvidic, the alleged operating portions 26 and 96 (Figs. 6 and 7) are not provided to extend from surfaces that are substantially parallel to the fishing rod attaching portion. Thus, Applicant submits that neither Reichardt nor Pinvidic disclose the claimed features.

The above arguments were presented in the October 18, 2007, Interview between the Examiner and the undersigned. The Examiner indicated that the amendments appear to overcome the references, but would require further consideration upon receipt of Applicant’s formal reply.

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In addition to the above, Applicant submits that the differences between the present invention and Reichardt and Pinvidic are not merely a “rearrangement of parts.” For example, as set forth in MPEP § 2144.04, the mere fact that the parts of a reference can be rearranged is not by itself sufficient to support a finding of obviousness, rather “[t]he prior art must provide a motivation or reason for the worker in the art, without benefit of appellant’s specification, to make the necessary changes in the reference device.” (emphasis added) *Ex parte Chicago Rawhide Mfg. Co.*, 223 U.S.P.Q. 351, 353 (Bd. Pat. App. & Inter. 1984).

Both Pinvidic and Reichardt disclose a lever provided at a side portion of the reel body. In Pinvidic, the lever is designed to be manipulated with a forefinger or a middle finger of a user holding the fishing rod. If the lever were modified into the position recited in claim 1, the lever would not be operable in its intended manner. Thus, there is no reason or motivation to rearrange the parts of Pinvidic. Turning to Reichardt, there is likewise no reason or motivation to rearrange the parts. For example, one skilled in the art would not arrange the lever 24 to extend upward from the alleged plate member 5 at a portion where a surface of the plate 5 is parallel to the fishing rod attaching portion and arranged on an opposite side of the spool from the fishing rod attaching portion. In particular, due to the configuration of, and interaction between, the ratchet wheel 17 and the sector 20, it would be very difficult for a user to manipulate the lever 24 if it were provided to project upward in the manner claimed (i.e., the lever would need to be provided at an angle that would be very difficult for a user to reach).

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Thus, Applicant submits there is no rational reason for rearranging the parts of Reichardt to arrive at the claimed invention.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited references and respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1.

B. Claims 2 and 11

Since claims 2 and 11 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

II. Rejection under 35 U.S.C. § 103(a) over Reichardt in view of U.S. Patent No. 4,850,548 to Faulkner (“Faulkner”)

Claims 12-15 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reichardt in view of Faulkner.

A. Claims 12-14

Since claim 12 contains features that are analogous to the features discussed above for claim 1, and Faulkner fails to cure the deficient teachings of Reichardt and Pinvidic, Applicant submits that claim 12 is patentable for at least analogous reasons as claim 1. Claims 13 and 14 are patentable at least by virtue of their dependency.

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B. Claim 15

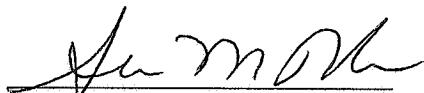
Since claim 15 is dependent upon claim 1, and since Faulkner fails to cure the deficient teachings of Reichardt and Pinvidic, with regard to claim 1, Applicant submits that claim 15 is patentable at least by virtue of its dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: November 1, 2007